<u>REMARKS</u>

[0010]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-13 and 16-40 are currently pending

- No claims are canceled herein

- No claims are withdrawn herein

- Claims 1-6, 8-11, 19, 24, 27, 34, and 35 are amended herein

- No new claims are added herein.

[0011]   Support for the amendments to claims 1, 9, and 19 is found in the specification at least at page. 10, lines 16-25; p. 13, line 24-p. 14, line 28; p. 16, lines 1-15; p. 16 line 16 - p. 17, line 6; and p. 17, line 18- p. 18, line 7.

[0012]   Support for the amendments to claim 3 is found in the specification at least at page 9, line 22- p. 10, line 15.

[0013]   Support for the amendments to claim 8 is found in the specification at least at page 8, line 26 - p. 5, line 21.

[0014]   Support for the amendments to claims 27 and 35 is found in the specification at least at page 18, line 28 – p. 20, line 22.

Cited Documents

[0015]   The following documents have been applied to reject one or more claims of the Application:

Serial No.: 10/718,199
Atty Docket No.: MS1 -4035US
Atty/Agent: Bea Koempel-Thomas
-13-   lee&hayes The Business of IP°
www.leehayes.com • 509.324.0256

- *Combs*: *Combs, et al.*, U.S. Patent No. *6,766,348*

- *Baskey*: *Baskey, et al.*, U.S. Patent No. *7,089,294*

Combs et al, Fails to Anticipate Claims 1-8 and 27-40

[0016]   Claims 1-8 and 27-40 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by *Combs*. Applicant respectfully traverses the rejection.

Independent Claim 1

[0017]   In light of the amendments presented herein, Applicant submits that the rejection of independent claim 1 is moot. Specifically, Combs does not disclose the claimed, "decentralized operating system orchestrating services and resources represented as services executing on the computing system, the decentralized operating system comprising a process kernel and a distributing kernel."

[0018]   Claim 1, as amended, recites in part:

> "a decentralized operating system orchestrating services and resources represented as services executing on the computing system, the decentralized operating system comprising a process kernel and a distributing kernel;
> the process kernel represents one or more services as processes, manages the processes, and facilitates the communication of one process with other processes."

[0019]   The Office cites *Combs et al.*, as allegedly disclosing this element. (Office Action, page 2.)

As to claim 1, Combs teaches a computer system, comprising:

services for representing a resource, each service coupled to a decentralized operating system is an autonomous entity that exchanges one or more messages with a service coupled to a disparate decentralized operating system that resides in a different trust domain with a different security policy based in part on a protocol specified by the service. (see col. 5 lines 64-col. 6 lines 37. multiple RASA implemented on separate computers exchange messages to bind and unbind resources),

[0020]   However, the cited portions of Combs describe a resource allocator system 501. The resource allocator system of FIG. 5 comprises a number of RASAs 502-504. RASAs may run on any number of computers connected to the network, and multiple RASAs may run on the same computer. The RASAs communicate with each other using the RASP 505-507. The RASP provides an additional interface within the resource allocator system that allows each RASA to synchronize its database and its allocation and management activities with those of the other RASAs within the RAHS. Col. 5; 64- col. 6; 6. As referenced, Fig. 5 illustrates the resource allocator system (RAS) and its relationships to the RASAs and RASP.
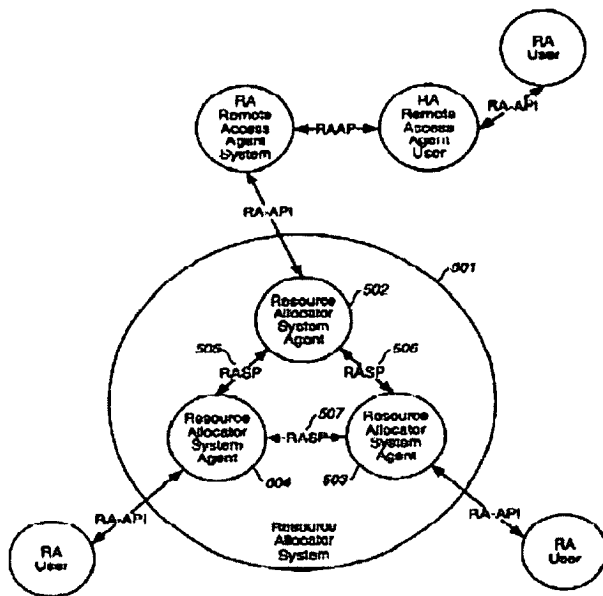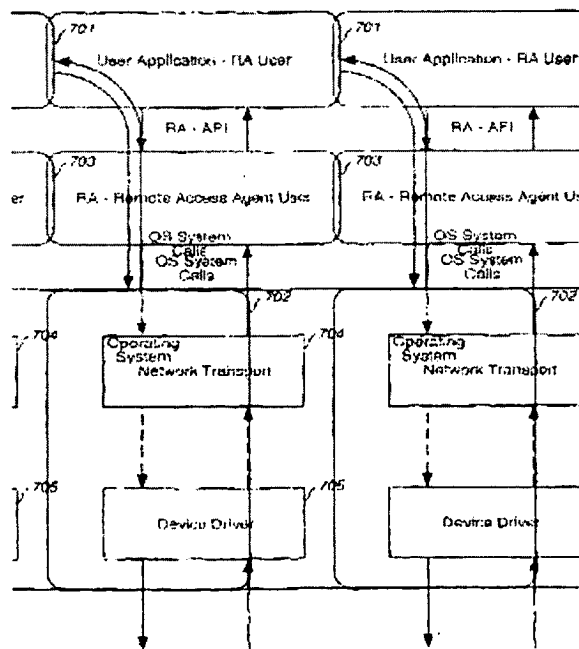
FIG. 5

Combs does not teach a decentralized operating system, much less a decentralized operating system comprising a process kernel and a distributing kernel. Indeed, the relationship of the RAAU to the Operating System of Combs is shown in reference to Fig. 7, excerpted below.

G. 7   FIG. 7   FI

[0021] As disclosed by Combs, "The operating system 702 is a collection of programs that provide services to application programs through the operating system call interface. The operating system call interface provides to an application program functions that the application program can invoke to read and write data to and from the hard disk, transmit data over physical data transmission networks to remote computers, print files on a printer, and other such tasks. In addition, the operating system provides and maintains a 15 program execution environment on a computer that allows for application programs and other intermediate processes to execute in a coordinated fashion." Col. 7; 7-18. There is no teaching or suggestion that the operating system disclosed in Combs is a *decentralized operating system*. The operating system discussed in Combs, discloses nothing more than the prior art systems discussed in Applicant's background of the invention. App. Page 2;12-3;16; p. 4;2-22.

[0022] As the U.S. Court of Appeals for the Federal Circuit makes clear: "Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102--must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements "arranged as in the claim." But the "arranged as in the claim" requirement is not limited to such a narrow set of "order of limitations" claims. Rather, our precedent informs that the "arranged as in the claim" requirement applies to all claims and refers to the need for an anticipatory reference to show all of the limitations of the claims arranged or combined in the same way as recited in the claims, not merely in a particular order. The test is thus more accurately understood to mean "arranged or combined in the same way as in the claim." *Net Moneyin, Inc v Verisign, Inc*, 545 F.3d 1359, 1371 (Fed. Cir. 2008). Thus, it is not enough that the prior art reference discloses part of the claimed invention, which an ordinary artisan might supplement to make the whole, or that it includes multiple, distinct

teachings that the artisan might somehow combine to achieve the claimed invention. *See Arkley*, 455 F.2d at 587 ("[T]he [prior art] reference must clearly and unequivocally disclose the claimed [invention] or direct those skilled in the art to the [invention] without *any* need for picking, choosing, and combining various disclosures not directly related to each other by the teachings of the cited reference."). Id.

[0023]   As discussed in the foregoing, Combs does not disclose all of the elements and features of this claim. Accordingly, Applicant submits that Combs does not anticipate this claim, and respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 2-8

[0024]   Claims 2-8 ultimately depend from independent claim 1. As discussed above, claim 1 is not anticipated by the cited Combs document, and is therefore patentable over the cited document. Therefore, dependent claims 2-8 are also patentable over the cited document of record for at least their dependency on a patentable base claim. Additionally, these claims may also be patentable for the additional features that they recite.

Independent Claims 27

In light of the amendments presented herein, Applicant submits that the rejection of independent claim 27 is moot. Specifically, Combs does not disclose at least the following elements of the claimed method, "*initializing a decentralized operating system on one or more computing systems, the decentralized operating system comprising a process kernel and a distributing kernel.*"

[0025]   As discussed in the foregoing with respect to independent claim 1, Combs does not disclose a decentralized operating system, much less a decentralized operating system comprising a process kernel and a distributing kernel. Accordingly, Applicant submits that Combs does not anticipate this claim, and respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 28-34

[0026]   Claims 28-234 ultimately depend from independent claim 27. As discussed above, claim 27 is not anticipated by the cited Combs document, and is therefore patentable over the cited document. Therefore, dependent claims 28-34 are also patentable over the cited document of record for at least their dependency on a patentable base claim. Additionally, these claims may also be patentable for the additional features that they recite.

Independent Claims 35

In light of the amendments presented herein, Applicant submits that the rejection of independent claim 35 is moot. Specifically, Combs does not disclose at least the following elements of the claimed computer readable medium, "*initializing a decentralized operating system on one or more computing systems, the decentralized operating system comprising a process kernel and a distributing kernel.*"

[0027]   As discussed in the foregoing with respect to independent claim 1, Combs does not disclose *initializing* a decentralized operating system, much less a decentralized operating system comprising *a process kernel* and *a distributing kernel.* Accordingly, Applicant submits that

Combs does not anticipate this claim, and respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 36-40

[0028]   Claims 36-40 ultimately depend from independent claim 35. As discussed above, claim 35 is not anticipated by the cited Combs document, and is therefore patentable over the cited document. Therefore, dependent claims 36-40 are also patentable over the cited document of record for at least their dependency on a patentable base claim. Additionally, these claims may also be patentable for the additional features that they recite.

Claims 9-13 and 16-26 Are Non-Obvious Over Combs in view of Baskey

[0029]   Claims 9-13 and 16-26 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Combs in view of Baskey. Applicant respectfully traverses the rejection.

[0030]   Nevertheless, solely in the interest of expediting issuance, Applicant amends claim 9 as shown above. In light of the amendments presented herein, Applicant submits that the rejection of independent claim 9 is moot.

[0031]   Claim 9, as amended, recites in part,

"*a first decentralized operating system* executing on a computer system, which comprises:

a first process kernel representing a first set of resources as a first set of services;

a first distributing kernel for designating uniform resource identifiers for the first set of services and distributing messages among the first set of services, each service including a unilateral contract, the unilateral contract expressing behaviors of the service;

a second decentralized operating system executing on a disparate computer system coupled to the network, which comprises:

a second process kernel representing a second set of resources as a second set of services;

a second distributing kernel for designating uniform resource identifiers for the second set of services distributing messages among the second set of services..."

[0032] The Office cites Combs as teaching these elements. (Office Action, page 7.) As set forth fully with respect to independent claim 1, Combs does not describe a decentralized operating system, much less a decentralized operating system having the respective process and distributing kernels. Moreover, the cited portions of Baskey Col 4:12-36, does not teach these elements. Baskey describes "an application plug-in process associated with the application in an operating system kernel of the server that obtains application level information from the received communication request, assigns the type of service classification to the received communication request based on the application level information and provides the assigned type of service classification to the communication process."

[0033] Consequently, the combination of Combs and Baskey does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

Dependent Claims 10-13 and 16-18

[0034] Claims 10-13 and 16-18 ultimately depend from independent claim 9. As discussed above, claim 9 is patentable over the cited documents. Therefore, dependent claims 10-13 and 16-18 are also patentable over the cited documents of record for at least their dependency on a patentable base claim. Additionally, these claims may also be patentable for the additional features that they recite.

Conclusion

[0035]   Applicant submits that all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Examiner is urged to contact the undersigned representative for the Applicant before issuing a subsequent Action.

Respectfully submitted,

Lee & Hayes, PLLC
Representatives for Applicant

Dated: June 17, 2009   By:/Bea Koempel-Thomas 58213/

Beatrice L. Koempel-Thomas
Reg. No. 58213
509-944-4759
bea@leehayes.com

Brendan E. Squire
Reg. No. 48,749